

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In Re:)	
)	
Gabriel Anderson, and Faye Anderson, <i>Debtor</i>)	
)	Case No. 10-44880-399
)	
Fifth Third Bank, by Fifth Third Bank, loan servicing)	Chapter: 13
agent for <i>Moving Creditor</i>)	
)	
vs.)	
)	
Gabriel Anderson, and Faye Anderson, <i>Debtor</i>)	
)	
and)	
)	
John V. LaBarge, Jr., <i>Trustee</i>)	
)	

RESPONSE TO DEBTOR'S RESPONSE TO MOTION TO AVOID LIEN

COMES NOW Fifth Third Bank, by Fifth Third Bank, through its counsel, Steven L. Crouch and Daniel A. West of the firm of South & Associates, P.C. and responds to the Debtor's Motion as follows:

1. Admits.
2. Admits.
3. Admits.
4. Admits.
5. Admits.
6. Admits.
7. Creditor is without sufficient information to admit or deny the allegations.
8. Creditor is without sufficient information to admit or deny the allegations.
9. Admits.
10. Admits.
11. Admits.

12. Creditor admits no equity exists in excess of the senior lien. Creditor will voluntarily enter a consent order allowing its claim to be treated as unsecured provided certain conditions, most

notably the requirement that debtor obtain a Chapter 13 discharge before the lien is released, are included in the order. Counsel for Creditor will contact Debtor's counsel to submit an agreeable joint order resolving the adversary proceeding.

WHEREFORE, Creditor Fifth Third Bank, by Fifth Third Bank, its subsidiaries, affiliates, predecessors in interests, successors or assigns, requests this Court enter the proposed order to be submitted jointly by the parties.

SOUTH & ASSOCIATES, P.C.

/s/ Daniel A. West

Steven L. Crouch, (MBE #37783; EDMO #2903; KSFD #70244)

Daniel A. West (MBE #48812; EDMO #98415; KSFD #70587)

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ATTORNEYS FOR CREDITOR

CERTIFICATE OF MAILING/SERVICE

I certify that a true copy of the Attached Pleading was served either electronically or via first class mail on February 14, 2011 upon the following parties:

Gabriel D. Anderson
Faye A. Anderson
26329 Trower Oaks Court
Wright City, MO 63390
DEBTOR

Douglas M. Heagler
6302 N Rosebury, Ste 1W
Clayton, MO 63105
ATTORNEY FOR DEBTOR

John V. LaBarge, Jr.
P.O. Box 430908
St. Louis, MO 63143
TRUSTEE

Office of the United States Trustee
111 South 10th Street, Suite 6353
St. Louis, MO 63102
U.S. TRUSTEE

SOUTH & ASSOCIATES, P.C.
_____/s/ Daniel A. West_____
Steven L. Crouch, (MBE #37783; EDMO #2903; KSFD #70244)
Daniel A. West (MBE #48812; EDMO #98415; KSFD #70587)
Wendee Elliott-Clement (MBE #50311; EDMO #501712; KS #20523)
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